

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MAINE**

<b>DREW G. ABBOTT,</b>	)	
	)	
<b>PETITIONER</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL No. 1:12-cv-37-DBH</b>
	)	
<b>SCOTT BURNHEIMER,</b>	)	
	)	
<b>RESPONDENT</b>	)	

**ORDER AFFIRMING RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

On April 27, 2012, the United States Magistrate Judge filed with the court, with copies to the parties, her Recommended Decision on the Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus By a Person in State Custody. The petitioner filed his objection to the Recommended Decision on May 22, 2012.

The petitioner also filed a document, ECF No. 15, that the Clerk's Office treated as a letter motion for legal assistance and a motion to amend the petition to add additional grounds. But the petitioner did not seek to amend his petition in this document. He did earlier file an amended petition and that amended petition is the basis for the Magistrate Judge's and my ruling. (The petitioner expressed concern about whether the "new petition" would be added to the first petition—it was—and whether he signed it—he did.) There is no need to appoint counsel in light of the lack of any basis for the petitioner's

arguments and to the extent he has moved for legal counsel, the motion is **DENIED**. No other action is necessary on pleading ECF No. 15.

I have reviewed and considered the Recommended Decision, together with the entire record; I have made a *de novo* determination of all matters adjudicated by the Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in the Recommended Decision, and determine that no further proceeding is necessary.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. The petitioner is **DENIED** relief under 28 U.S.C. § 2254, with prejudice, and the petition is **DISMISSED**. No certificate of appealability shall issue in the event the petitioner files a notice of appeal because there is no substantial showing of the denial of a constitutional right within the meaning of 28 U.S.C. § 2253(c)(2).

**SO ORDERED.**

**DATED THIS 19<sup>TH</sup> DAY OF JUNE, 2012**

/s/D. BROCK HORNBY  
**D. BROCK HORNBY**  
**UNITED STATES DISTRICT JUDGE**